

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 197

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND BUDGET AND TAX LEVIES; AMENDING SECTION 33-802, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO THE PROVISION THAT CERTAIN SCHOOL DISTRICTS MAY AUTHORIZE A BUDGET STABILIZATION LEVY AND TO ELIMINATE A RELATED NOTICE REQUIREMENT; AND AMENDING SECTIONS 33-808 AND 50-2908, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

(1) Bond, Interest and Judgment Obligation Levies. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

~~(2) Budget Stabilization Levies. School districts not receiving state equalization funds in fiscal year 2006 may authorize a budget stabilization levy for calendar year 2006 and each year thereafter. Such levies shall not exceed the difference between the amount of equalized funds that the state department of education estimates the school district will receive in fiscal year 2007, based on the school district's fiscal year 2006 reporting data, and the combined amount of money the school district would have received from its maintenance and operation levy and state property tax replacement funds in fiscal year 2007 under the laws of the state of Idaho as they existed prior to amendment by the first extraordinary session of the fifty-eighth Idaho legislature. The state department of education shall notify the state tax commission and affected counties and school districts of the maximum levy amounts permitted, by no later than September 1, 2006.~~

~~(3) Supplemental Maintenance and Operation Levies. No levy in excess of the levy permitted by this section shall be made by a noncharter district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to title 34, Idaho Code, and approved by a majority of the district electors voting in such election. A levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees in the second year.~~

~~(4) Charter District Supplemental Maintenance and Operation. Levies pursuant to the respective charter of any such charter district shall be first authorized through an election held subject to the provisions of sec-~~

tion 34-106, Idaho Code, and pursuant to title 34, Idaho Code, and approved by a majority of the district electors voting in such election.

(54) The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term supplemental levy to the electors of the school district. Such question shall clearly state the dollar amount that will be certified annually and that the levy will be for an indefinite number of years. The question must be approved by a majority of the district electors voting on the question in an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to title 34, Idaho Code. The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.

(65) A charter district may levy for maintenance and operations if such authority is contained within its charter. In the event property within a charter district's boundaries is contained in a revenue allocation area established under chapter 29, title 50, Idaho Code, and such revenue allocation area has given notice of termination thereunder, then, only for the purpose of determining the levy described in this subsection, the district may add the increment value, as defined in section 50-2903, Idaho Code, to the actual or adjusted market value for assessment purposes of the district as such value existed on December 31 of the previous year.

SECTION 2. That Section 33-808, Idaho Code, be, and the same is hereby amended to read as follows:

33-808. NOTICE OF ADJUSTMENT TO MARKET VALUE FOR ASSESSMENT PURPOSES UPON TERMINATION OF A REVENUE ALLOCATION AREA. (1) A charter district with a maintenance and operation levy in the immediately previous year that shall adjust its market value for assessment purposes in accordance with the provisions of section 33-802(65), Idaho Code, relating to termination of a revenue allocation area, shall advertise its action by publishing in at least the newspaper of largest paid circulation published in the county of the district, or if there is no such newspaper, then in a newspaper published nearest to the district where the advertisement is required to be published.

(2) For purposes of this section, the definition of "newspaper" shall be as established in sections 60-106 and 60-107, Idaho Code; provided further, that the newspaper of largest circulation shall be established by the statement of average annual paid weekday circulation listed on the newspaper's sworn statement of ownership that was filed with the United States post office on a date most recently preceding the date on which the advertisement required in this section is to be published. The advertisement shall be run when the school district ascertains that it will adjust its market value for assessment purposes in accordance with the provisions of section 33-802(65), Idaho Code, relating to termination of a revenue allocation area, and shall be published once a week for two (2) weeks following action by the board of trustees.

(3) The form and content of the notice shall be substantially as follows:

1 NOTICE OF PROPERTY TAX ADJUSTMENT BY SCHOOL BOARD

2 The (insert name of the school district) hereinafter the "District,"
 3 has increased its market value for assessment purposes as of December 31,
 4 , by the amount of the increment value of the (insert name of Redevel-
 5 opment Agency Revenue Allocation Area) on such date, in accordance with the
 6 provisions of Section 33-802, Idaho Code, because the revenue allocation
 7 area gave notice of termination pursuant to Section 50-2903, Idaho Code, and
 8 as a result thereof property taxes on the increment value of the revenue al-
 9 location area will not be collected and distributed to the District. Section
 10 33-802, Idaho Code, permits the District to replace those funds by adjusting
 11 its market value as described herein. The total amount of dollars in prop-
 12 erty taxes to be directly collected by the District pursuant to this action
 13 is estimated to be \$.....

14 SECTION 3. That Section 50-2908, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)
 17 For purposes of calculating the rate at which taxes shall be levied by or
 18 for each taxing district in which a revenue allocation area is located, the
 19 county commissioners shall, with respect to the taxable property located in
 20 such revenue allocation area, use the equalized assessed value of such tax-
 21 able property as shown on the base assessment roll rather than on the current
 22 equalized assessed valuation of such taxable property, except the current
 23 equalized assessed valuation shall be used for calculating the tax rate for:

24 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
 25 Code, and any judgment pursuant to section 33-802(1), Idaho Code, cer-
 26 tified after December 31, 2007;

27 (b) Levies permitted pursuant to section 63-802(3), Idaho Code, certi-
 28 fied after December 31, 2007;

29 (c) Levies for voter approved general obligation bonds of any taxing
 30 district and plant facility reserve fund levies passed after December
 31 31, 2007;

32 (d) Levies set forth in paragraphs (1)(a) through (c) of this subsec-
 33 tion, first certified prior to December 31, 2007, when the property af-
 34 fected by said levies is included within the boundaries of a revenue al-
 35 location area by a change in the boundaries of either the revenue allo-
 36 cation area or any taxing district after December 31, 2007; and

37 (e) School levies for supplemental maintenance and operation pursuant
 38 to section 33-802(~~32~~) and (~~43~~), Idaho Code, approved after December 31,
 39 2007.

40 (2) With respect to each such taxing district, the tax rate calculated
 41 under subsection (1) of this section shall be applied to the current equal-
 42 ized assessed valuation of all taxable property in the taxing district, in-
 43 cluding the taxable property in the revenue allocation area. The tax rev-
 44 enues thereby produced shall be allocated as follows:

45 (a) To the taxing district shall be allocated and shall be paid by the
 46 county treasurer:

(i) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area;

(ii) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under subsection (1) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1) (a) through (e) of this section.

(b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter, shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2) (b) of this section.

(4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than the levy specified in subsection (1) (a) through (e) of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

(5) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

SECTION 4. This act shall be in full force and effect on and after July 1, 2013.